

8-05-05

JFW AR
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PATENT

Attorney Docket No. 175931

Client Reference No. E-167-1997/0-US-07

Date: August 4, 2005

In re Application of: Mitchell et al.
 Application No. 09/424,519
 Filed: March 3, 2000
 For: THE USE OF A NITROXIDE OR A PRODRUG THEREOF IN THE PROPHYLACTIC AND THERAPEUTIC TREATMENT OF CANCER

Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

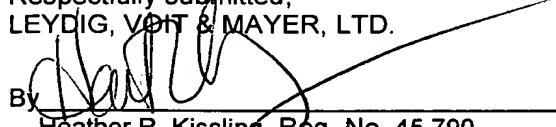
Transmitted herewith is a reply to office action in the subject application.

- ☐ Small entity status is claimed for this application under 37 CFR 1.27.
- ☒ Petition for an extension of time for the period noted below, as well as for any additional period necessary to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.
- ☒ Other: Cited References (Monti et al., *J. Cell Biochem.*, 82(2), 271-276 (2001), Suy et al., *Cancer*, 103(6), 1302-1313 (2005), Mitchell et al., *Free Rad. Biol. Med.*, 34(1), 93-102 (2003), Schubert et al., *Hum. Molec. Genet.*, 13(16), 1793-1802 (2004), Gariboldi et al., *Free Radic. Biol. Med.*, 24(6), 913-923 (1998), Gariboldi et al., *Eur. J. Cancer*, 39, 829-837 (2003), *In re Brana*, 51 F.3d 1560, 34 U.S.P.Q.2d 1436 (Fed. Cir. 1995), and *In re Jolles*, 628 F.2d 1322, 206 U.S.P.Q. 885 (C.C.P.A. 1980)), and Return Postcard.
- ☒ Please charge Deposit Account No. 12-1216 in the total amount indicated below. A duplicate copy of this transmittal sheet is enclosed herewith.

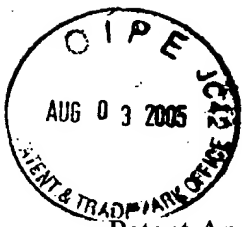
					SMALL ENTITY		OTHER THAN A SMALL ENTITY	
TIME EXTENSION PETITION FEE			none		\$ 0.00		\$ 0.00	
subtract time extension fee previously paid			none		(\$ 0.00)		(\$ 0.00)	
CLAIM FEE	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	EXTRA CLAIMS PRESENT	RATE	ADD'L CLAIM FEE	RATE	ADD'L CLAIM FEE
TOTAL	36	MINUS	42	= 0	x 25 =	\$	x 50 =	\$0.00
INDEPENDENT	3	MINUS	3	= 0	x 100 =	\$	x 200 =	\$0.00
<input type="checkbox"/>	FIRST PRESENTATION OF MULTIPLE CLAIM				+ 180 =	\$	+ 360 =	\$
TOTAL AMOUNT TO BE CHARGED TO DEPOSIT ACCOUNT					TOTAL	\$	TOTAL	\$0.00

- ☒ The Commissioner is hereby authorized to charge any deficiencies in the following fees associated with this communication or credit any overpayment to Deposit Account No. 12-1216.
- ☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,
 LEYDIG, VOIT & MAYER, LTD.

By 
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 09/424,519

Applicant: Mitchell et al.

Filed: March 3, 2000

TC/AU: 1614

Examiner: Kwon, Brian Yong S.

Docket No.: 175931 (Client Reference No. E-167-1997/0-US-07)

Customer No.: 45733

**RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE**

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Commissioner for Patents
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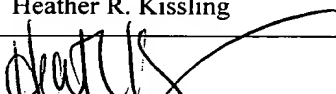
REPLY TO OFFICE ACTION

Sir:

In reply to the Office Action dated June 3, 2005, please enter the following amendments and consider the following remarks.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 11 of this paper.

MAILING/TRANSMISSION CERTIFICATE UNDER 37 CFR 1.8 OR 1.10			
I hereby certify that this document and all accompanying documents are, on the date indicated below, being <input checked="" type="checkbox"/> deposited with the U.S. Postal Service using "Express Mail" service in an envelope addressed in the same manner indicated on this document with Express Mail Label Number EV 420397595 US, <input type="checkbox"/> deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed in the same manner indicated on this document, or <input type="checkbox"/> facsimile transmitted to the U.S. Patent and Trademark Office at fax number:			
Name (Print/Type)	Heather R. Kissling		
Signature		Date	August 4, 2005